

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.B.W. and C.A.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALISE WHITE,

Respondent-Appellant,

and

ANTOINE ANDREW ARON,

Respondent.

UNPUBLISHED

March 11, 2003

No. 240277

Wayne Circuit Court

Family Division

LC No. 99-376045

Before: Hoekstra, P.J., and Smolenski and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 5.974(D); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate the respondent's parental rights unless it determines that to do so is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Id.* at 356-357.

On the record presented for our review, we find that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The evidence established that, at the time of the termination trial, respondent-appellant

had failed to submit to weekly drug screening¹ and had refused to submit to a psychological examination or to participate in individual therapy. Although she completed parenting classes, obtained her G.E.D., and obtained employment, respondent-appellant did so only after the proceedings to terminate her parental rights were well underway. The evidence also established that respondent-appellant failed to consistently maintain visitation with her children, and there was little bond between them. Further, there was evidence that respondent-appellant had not completely separated from the children's putative father, who had been convicted of criminal sexual conduct with a child under age thirteen.

The same evidence does not demonstrate that termination of respondent-appellant's parental rights was contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo Minors*, *supra* at 356-357. Consequently, the trial court did not err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Michael R. Smolenski

/s/ Karen Fort Hood

¹ Respondent-appellant submitted to one drug screen on a court date, and the result was positive.